

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

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|----------------------------|---|--------------------------|
| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 93-2527 |
| |) | |
| PUERTO RICO ELECTRIC POWER |) | |
| AUTHORITY |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

DECLARATION OF FRANCISCO CLAUDIO

I, Francisco Claudio Ríos, pursuant to 28 U.S.C. Section 1746, declares under penalty of perjury as follows:

1. I am an Environmental Engineer with the United States Environmental Protection Agency ("EPA"), Region 2, Caribbean Environmental Protection Division ("CEPD"), Multi Media Permits and Compliance Branch ("MPCB"), Air Programs Team. I have been so designated since 1997.
2. My responsibilities as Environmental Engineer include serving as a technical expert in compliance, enforcement, and permit programs under the Clean Air Act, 42 U.S.C. §§ 101 *et seq.* ("CAA"), and its implementing regulations, applicable to a variety of industrial sectors. Additionally, I have conducted compliance inspections on different source categories and regulated facilities within the pharmaceutical production, chemical manufacturing, petroleum refineries, Portland cement manufacturing, electric power plants, dry cleaners, landfills, secondary lead smelters, quarries and sand and gravel sectors, among others.
3. On March 19, 1999, the United States of America entered a Consent Decree with the Puerto Rico Electric Power Authority ("PREPA"), Civil Action No. 93-2527 CCC. The Consent Decree includes the "CAA Air Compliance Program" and the "Air Compliance Attachment" which incorporates several conditions such as mandatory use of fuel that is no greater than 8% asphaltenes by weight; no greater than 1.5% sulfur by weight; no greater than 150 ppm vanadium by weight; and viscosity value less than 350 SFS at 122°F.
4. The Consent Decree was subsequently modified on September 8, 2004, requiring PREPA to, among other things, use fuel with a sulfur content of no more than 0.50% by weight at its facilities.

5. The Consent Decree does not include SO₂ emission limits. However, the use of fuel with a sulfur content limit of 0.50% by weight established in the Consent Decree is aimed to address the opacity non-compliance at the PREPA units. The sulfur content has a direct impact on the amount of SO₂ emissions from the units.
6. As part of my official duties at EPA, for the past 17 years, I have been EPA's lead officer in charge of overseeing PREPA's compliance with the provisions of Section V "CAA Compliance Program" and "Air Compliance Attachment" of the Consent Decree. Pursuant to my responsibilities and duties, I am fully familiar with the terms and conditions of the Consent Decree, as amended.
7. As part of my oversight role, I have conducted periodical inspections at PREPA facilities during which I have performed visual emissions ("VE") determination of opacity following Test Method 9, 40 C.F.R. Part 60 Appendix A, whenever the climate conditions were favorable. The inspections also included the collection of fuel samples to determine compliance with the fuel specifications established in the "Air Compliance Attachment" (Fuel Quality Program) of the Consent Decree.
8. After the 2004 modifications to the Consent Decree were entered, and as of July 27, 2016, when performing VE readings, I did not observe any opacity violations at PREPA facilities.
9. The fuel samples collected are analyzed by EPA-Region 2 Laboratory for the sulfur, vanadium, asphaltene and viscosity parameters included in the Consent Decree, as amended.
10. As of today, the results of the EPA's lab analysis has shown that PREPA has been in compliance with the applicable fuel limits specifications of the Consent Decree for sulfur, vanadium, asphaltene and viscosity.

I declare under penalty of perjury that, based on information personally known to me, information provided to me by persons associated with PREPA, and my review of documents in the EPA files pertaining to this matter, the foregoing is true and correct to the best of my information and belief.

Executed on this, 22 day of August, 2016.



Francisco Claudio-Ríos
Environmental Engineer

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